

UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN

In re:

SUREFIL, LLC,

Debtor.

Case No. HG 09-06914

Chapter 11

Hon. Jeffrey R. Hughes

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In re:

SUREFIL PROPERTIES, LLC,

Debtor.

Case No. HG 09-06916

Jointly Administered

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**EX PARTE MOTION FOR AUTHORIZATION  
TO DEPOSIT CERTAIN SALE PROCEEDS INTO THE REGISTRY OF THE COURT**

Surefil, LLC and Surefil Properties, LLC (collectively, the “**Debtor**”), by its attorneys, Nantz, Litowich, Smith, Girard & Hamilton, P.C., hereby submits this motion (the “**Motion**”) for authorization to deposit certain proceeds of sale into the Court’s Registry.

**JURISDICTION**

1. This Court has jurisdiction to consider this Motion under 28 U.S.C. §1334. This matter is a core proceeding within the meaning of 28 U.S.C. §157(b)(2)(A), (M) and (O). Venue is proper before this Court under 28 U.S.C. §§1408 and 1409.

2. The statutory bases for the relief requested herein are 11 U.S.C. §363 and 28 U.S.C. §2041.

**INTRODUCTION**

3. Debtor has requested authorization to sell substantially all of its assets pursuant to Section 363 of the Bankruptcy Code to ABACO Partners LLC. Certain assets owned by the Debtors are subject to construction liens held by Prosys/Process Results and Rush Creek Excavating (the

“**Priority Liens**”) and subject to liens held by Huntington National Bank. The Priority Liens are subject to dispute.

4. The holders of the Priority Liens and Huntington National Bank have consented to the sale of assets provided that their respective lien rights attach to the proceeds of sale in the amount of \$1,220,000 with the same validity and priority as the same attached to the assets of the Debtor prior to the sale and the sum of \$1,220,000 be deposited into the Court’s Registry, and placed in an interest-bearing account, pending further order of this Court.

**RELIEF REQUESTED**

5. Debtor requests that this Court authorize the deposit of the sum of \$1,220,000 into the Court’s Registry, and placement into an interest-bearing account, and that the same be disbursed only upon further order of the court upon appropriate notice to the lien holders.

6. This Motion and proposed Order are being filed electronically with the Court, and pursuant to ECF procedures, the documents have been served on all parties receiving pleadings under the ECF system, including without limitation, the U.S. Trustee.

WHEREFORE, Debtor respectfully requests that the Court enter an order substantially in the form attached hereto (i) authorizing the deposit of the sum of \$1,220,000 into the Court’s Registry, with placement into an interest-bearing account; (ii) providing that any disbursement of said funds from the Court’s Registry be made only upon further order of this Court; and (iii) granting such other and further relief as this Court deems just and proper.

Respectfully submitted,

**NANTZ, LITOWICH, SMITH, GIRARD & HAMILTON**  
Attorneys for Debtor

Dated: September 10, 2010

By: /s/ Harold E. Nelson

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